

NOT FOR PUBLICATION

APR 17 2009

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

SUNPREET SINGH,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 06-72809

Agency No. A095-576-840

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted April 13, 2009**

Before: GRABER, GOULD, and BEA, Circuit Judges.

Sunpreet Singh, a native and citizen of India, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's ("IJ") decision denying his application for asylum. We have

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as may be provided by Ninth Circuit Rule 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence, *Lata v. INS*, 204 F.3d 1241, 1244 (9th Cir. 2000), and we reverse only if the evidence compels a contrary conclusion, *INS v. Elias-Zacarias*, 502 U.S. 478, 481 n.1 (1992). We deny the petition for review.

Substantial evidence supports the BIA’s determination that, even assuming Singh’s testimony was credible and he established the presumption of a well-founded fear of future persecution, the presumption is rebutted based on changed country conditions. *See* 8 C.F.R. § 1208.13(b)(1)(i)(A); *see also Gonzalez-Hernandez v. Ashcroft*, 336 F.3d 995, 997-98 (9th Cir. 2003). Substantial evidence also supports the BIA’s determination that Singh could reasonably relocate to another area of India, particularly given that prior to his arrival in the United States, he relocated from Punjab to New Delhi and lived there for several months without incident. *See* 8 C.F.R. § 1208.13(b)(1)(i)(B); *see also Melkonian v. Ashcroft*, 320 F.3d 1061, 1069 (9th Cir. 2003) (applicant who has demonstrated well-founded fear of persecution may be denied asylum “where the evidence establishes that internal relocation is a reasonable option under all of the circumstances”). Finally, to the extent Singh argues that the BIA did not consider some or all of the evidence in the record, he fails to overcome the presumption that

the BIA did review the record. *See Fernandez v. Gonzales*, 439 F.3d 592, 603 (9th Cir. 2006). Accordingly, Singh's asylum application fails.

PETITION FOR REVIEW DENIED.